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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,484	10/15/2001	Ralf Janke	Micronas.6437	1533

7590 06/04/2003
Samuels, Gauthier & Stevens LLP
Suite 3300
225 Franklin Street
Boston, MA 02110

EXAMINER

WACHSMAN, HAL D

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,484

Applicant(s)

JANKE, RALF

Examiner

Hal D Wachsmen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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5

DATE MAILED:

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Commissioner for Patents

Hal D Wachsman
Primary Examiner
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1. The drawings are objected to for the reasons stated on the attached PTO-948 form. In addition, Figure 1 is objected to because labeling (i.e. in words) of the various components is needed so as to facilitate an understanding of the invention from the drawings. Appropriate correction is required.
2. The Abstract is objected to because it contains purported merits (i.e. "inventively designed in such a way"). Appropriate correction is required.
3. Page 16 of the specification, in the last line has "What is claimed is:" However, the correct location for this is on the first page of the claims above the first claim. Appropriate correction is required.
4. The Examiner notes that foreign priority has been claimed in this application but the foreign priority document has not been provided.
5. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.
6. The information disclosure statement filed 2-11-02 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each reference listed that is not in the English language. For this reason, the "Programmierbares Sensor-Interface"

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reference could not be considered. In addition, the Wilson, P.D. reference could not be considered because pages 19 and 21 were missing from the reference.

7. The Examiner respectfully notes the spelling error in the last word of claim 20 "signalas". Claim 9, line 1, cites "at least on parameter" in which it is clear that the word "one" and not "on" was intended. In addition, it is not clear why a large amount of blank space is found between each of the words in the last line of claim 6.

8. Page 12 of the specification has an equation labeled as "(5)" however the equation that came before this on page 4 of the specification is number "(3)". Thus the numbering of the equations are in error. Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Claims 19 and 20 provide for the use of the method of claim 18 to be applied to generally programmable systems and the method of claim 10 to be used for acquiring the measurement data of magnetic field signals, but, since the claims do not set forth any steps involved in the method/process, it is unclear what method/process applicant

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is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claims 19 and 20 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

12. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 5, cites "a sensor signal (U(M))" however there is already antecedent basis for this in line 4 of the claim. In line 6 of claim 1 the variables "m" and "M" need to be defined. In addition, in the "... Between c subscript m + 1 and c subscript M it is not clear what the range of those parameters can be. This same type of problem also occurs with respect to the variable "D" in various locations of claim 1. In addition, the variable "D" is used in line 12 of claim 1 to represent an output but is used in line 19 of claim 1 to represent a connecting line (as well as used to represent other different parameters on page 18 of the claims) which is confusing as to how the same variable can be used to represent several different types of parameters. This same type of problem also occurs in claim 1 with respect to the use of the variable "A" and "c" which represent different types of parameters in several locations of the claim. The

types of problems shown above can also be found in claims 2, 4-6, 9, 10-15 and 18.

Claim 1, lines 6-7, cite "such thatfor processing the sensor signals can be adjusted externally" which cites an intention of use and does not particularly point out how the parameters can be adjusted externally". This same type of problem also occurs in claim 10, lines 6-7. The last line of claim 1 cites "the sensor-signal processing unit functions to set the transmitted parameters..." but to what or as what are the transmitted parameters being set ? Claim 3 cites "the determined parameters" which lacks antecedent basis. Claim 4 cites "the newly determined parameters" which lacks antecedent basis. Claim 5, line 2, cites "the determined parameters" but is this actually referring to "the newly determined parameters" ? The preamble of claim 10 cites "A method for changing the signal processing..." however when we look at the body of the claim we find features written in the fashion such as "a measurement variable (M) is detected in a sensor element" as opposed to for example "detecting a measurement variable.." which makes the body of this claim confusing with respect to whether it is apparatus limitations or method steps that are being recited in the body of claim 10. Claim 10, lines 8 and 11-12, cite "the sensor processing unit" however the antecedent basis is "sensor-signal processing unit". The last line of claim 10 cites "the sensor-signal processing unit adjusts the transmitted parameters..." but to what or for what are the transmitted parameters being adjusted ? The last 2 lines of claim 13 cite "the transmission of the signals (Out) from the sensor-signal processing unit is not disturbed thereby" but not disturbed thereby what exactly ?

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13. The Examiner respectfully notes that because of the significant problems noted above with respect to 35 U.S.C. 112 2nd paragraph as well as also 35 U.S.C. 101 with respect to the "use" type claims, there is considerable ambiguity with respect to the exact metes and bounds of these claims and therefore a meaningful art rejection cannot be applied at this time.

14. The following references are cited as being art of general interest: Kaufmann et al. which disclose a steering wheel unit with a sensor, Blossfeld et al. which disclose a process for monitoring the function of a sensor module, Ulyanov et al. which disclose intelligent control of a vehicle suspension and Dickinson et al. which disclose a sensor-responsive control method and apparatus.


15. No claims are allowed.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D Wachsmann whose telephone number is 703-305-9788. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Hal D Wachsmann
Primary Examiner
Art Unit 2857

HW
May 31, 2003